

CASE DISPOSITION FORM

I. CASE INFORMATION:

Site Name: Arapahoe Real Estate
Site Address: 2329 Main St., Suite 101, Littleton, CO 80120
Telephone: 303-797-6766
Inspector: Steven T. Vasquez
Date of Inspection: 8/7/98
Responsible Party Name:
Responsible Party Address:
Case Officer (for major actions):
Temporary Docket #:

II. CASE DISPOSITION:

A.. Program

☐ AHERA
☐ PCB
☐ EPCRA-313
☐ TSCA (Other)
☐ FIFRA
☒ Lead

B. Program and Procedural Requirements

☒ Prior Notification Given
☒ Notice of Inspection Issued
☐ CBI Notice
☐ CBI Claim Form
☐ Other:
☐ Other:

C. Violation Codes/Violations: 40 CFR 745.113(a), failure to provide lessor with lead disclosure information.

D. Proposed Action(s):

☒ Close Case 10/12/99
☐ Issue Warning Letter
☐ Civil Judicial Referral
☐ Consent Agreement
☒ Issue Notice of Non-Compliance
☐ Civil Administrative Complaint
☐ Criminal Judicial Referral
☐ Other _____

E. Comments:

F. Prepared by: [Signature] Date: 8/20/98

G. Approved by: [Signature] Date: 8/21/98

III. LIST OF ATTACHMENTS:

☐ Initial Case Screening Worksheet
☐ Penalty Calculation Worksheet
☒ Inspection Report (Including Relevant Documents)
☐ Laboratory Analysis Report

IV. DATE CASE REFERRED TO OFFICE OF REGIONAL COUNSEL:

8828


 US ENVIRONMENTAL PROTECTION AGENCY
 WASHINGTON, DC 20460

NOTICE OF INSPECTION

1. INVESTIGATION IDENTIFICATION			3. FACILITY NAME
DATE 8-7-98	INSPECTION NO. 58	DAILY SEQ. NO. 17	
2. INSPECTOR'S ADDRESS TechLaw Inc, 300 Union Blvd. #600 Lakewood, CO 80228			4. FACILITY ADDRESS 935 Brentwood St Lakewood CO. 80215

For Internal EPA Use. Copies may be provided to recipient as acknowledgment of this notice.

REASON FOR INSPECTION

☒ This inspection involves the review of records, files, papers, and shall include copies of Section 1018 Disclosure documents for residential real estate and/or lease transactions.

Via FAX

☐ In addition, this inspection extends to (check appropriate blocks):

- | | |
|--|--|
| <input type="checkbox"/> A. Financial data | <input type="checkbox"/> D. Personnel data |
| <input type="checkbox"/> B. Sales data | <input type="checkbox"/> E. Research data |
| <input type="checkbox"/> C. Pricing data | <input type="checkbox"/> F. Lease data |

 RECEIVED
 OFFICE OF ENFORCEMENT,

AUG 19 1998

COMPLIANCE & ENVIRONMENTAL
JUSTICE

The nature and extent of inspection of such data specified in A through F above is as follows:
 To determine compliance with the Title X, Section 1018 Disclosure Rule.

Certification of Voluntary Consent

I hereby certify that I have voluntarily consented to allow the representatives of EPA named below to review real estate notification and disclosure forms and any other documents relating to EPA's ability to determine compliance with Title X, Section 1018, and to allow the EPA representatives to make copies of these documents. These documents shall be used to determine compliance with the Title X, Section 1018 Disclosure Rule.

X

Signature

Date

INSPECTOR'S SIGNATURE <i>Steven T. Vasquez</i>		RECIPIENT'S SIGNATURE X	
NAME <i>Steven T. Vasquez</i>		NAME X	
TITLE <i>Inspector</i>	DATE SIGNED <i>8-7-98</i>	TITLE X	DATE SIGNED

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WASHINGTON, DC 20460

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X Randy Baker 8-7-98
Signature Date

INSPECTOR'S SIGNATURE <u>Steven T. Vasquez</u>		RECIPIENT'S SIGNATURE X <u>Randy L. Baker</u>	
NAME Steven T. Vasquez		NAME X Randy L. Baker	
TITLE Inspector	DATE SIGNED 8-7-98	TITLE X OWNER	DATE SIGNED 8-7-98

**U.S. EPA-SECTION 1018 INSPECTION CHECKLIST
APARTMENT COMPLEX
NOTIFICATION AND DISCLOSURE (REND) RULE
FOR LEAD-BASED PAINT**

I. PRE-INSPECTION:

- ☒ 1) Obtained address and identified location of facility
☒ 2) Filled in name and address of facility on NOI form

II. INSPECTION TYPE:

- ☐ Tip/Complaint ☒ TSCA Neutral Scheme
☐ Follow-up ☐ Other

III. INSPECTION ENTRY/OPENING CONFERENCE:

- ☐ 1) Presented EPA credentials upon entering facility, explained purpose & asked for person in charge.
☒ 2) Presented credentials to person in charge and explained purpose & scope of inspection.
☒ 3) NOI signed by EPA official, presented to person in charge & voluntary consent signature requested.
☒ 4) Recorded names, titles, phone number of office manager(s), agent(s), seller(s) or lessor(s) met with.
☐ 5) Denied entry--inspection terminated or was unable to gain entry to facility.

Reason: _____

Randy Baker
Name (Office Manager/Property Manager):

(303) 797-6766
Title / Phone No.
* Get business card if available

Name of Owner and Address:

Edmund G. Flanders (303) 730-1256
P.O. Box 10921 Denver, CO 80250

IV. FILE REVIEW

- ☒ 1) Explained that only files of properties built before 1978, with agreements of sale or leases after September 6, 1997 need to be examined.
9 2) Total Apartments in Complex
☐ 3) Total number of files reviewed
☐ 4) Total number of "Section 8" housing.

NOTE: IF CONSENT TO REVIEW FILES IS REFUSED:

1. Attempt to obtain the reason for refusal
2. Attempt to answer any questions or clarify any confusion.
3. Show the person a sample disclosure form to help clarify the situation and make them aware of what you would like to examine.
4. If asked, the investigator may indicate the Agency's alternatives, including serving subpoena, to obtain the information or gain access to the files. However, consent must be given without the use of threats, coercion, deception or entrapment, so only offer this "alternative" information if asked.
5. If still refused, GET THE EXACT SPELLING OF THE PERSON IN CHARGE'S NAME AND THAT PERSON'S TITLE. AND ALSO THE EXACT SPELLING OF THE OWNER OF THE FACILITY, ALONG WITH THEIR TITLES. Leave a packet of information on the Sec. 1018 requirements and LEAVE THE OFFICE IMMEDIATELY. Document the attempt entry and the reason for refusal.
6. Contact Bob Vick, EPA, to begin the subpoena process.
7. Upon receipt of documents, use the following checklist procedures for file review.
8. Prepare investigation report or summary

ARAPAHOE REAL ESTATE

Downtown Littleton
2329 W. Main St Suite 101
Littleton, Co. 80120
303-797-6766

DATE: 8-12-98
TO: STEVE VARGUEZ
FROM: RANDY BAKER
RE: 9TH AND BRENTWOOD

Total Pages Including Cover Sheet: 2

If you have any questions or do not receive this document in its entirety,
please call (303) 797-6766. Our fax number is (303) 730-9119

This document may contain confidential information and is intended for
review by the person to which it is addressed only. If you receive this fax
in error, please contact us immediately at the above number. Thank you.

ARAPAHOE REAL ESTATE

Downtown Littleton
2329 W. Main St Suite 101
Littleton, Co. 80120
303-797-6766

DATE: 8-13-98
TO: Sara Vasquez
FROM: Randy Baker
RE: 974 Brentwood St.

Total Pages Including Cover Sheet: 1.5

If you have any questions or do not receive this document in its entirety, please call (303) 797-6766. Our fax number is (303) 730-9119

This document may contain confidential information and is intended for review by the person to which it is addressed only. If you receive this fax in error, please contact us immediately at the above number. Thank you.

939 Brentwood St.
951 Brentwood St.

★ REFUSED ^{New} LEASE
Agreement, REFUSED TO
SIGN.


THANK YOU,
Randy Baker

[illegible]

Date: 8-13-98
Time: _____

Was the Property Manager provided with copies of:

- ☒ Receipt for samples and documents (Did the agent also sign/initial copies made?)
- ☒ Copy of Notice of Inspection Form and Certification of Consent?
- ☒ Folder of Sec. 1018 Information (includes Interpretive Guidance, updated copy of regulations, etc.)?

Inspector's Signature:  Date: 8-13-98
Inspector's Signature: _____ Date: _____

Additional Comments/Summary of Inspection:

There is a total of 9 units. 7 were reviewed
"via FAX". 5 may not be in compliance.
Policies are about 30 days difference.
8-4-98 @ 1:00pm, called owner.
8-6 - owner called back and gave # to Annapolis Property Mgmt
8-7 Mr. Baker will fax what he has (nothing was faxed until
8-13-98) Called 8-12 for disclosures & lease sent message.
8-13 - Disclosures & leases faxed.
* There is no info on children's ages.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

**999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466**

DEC 2 1998

Ref: 8ENF-T

ORIGINATOR'S COPY

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Arapahoe Real Estate
2329 W. Main St., Suite 101
Littleton, CO 80120
Attn: Mr. Randy L. Baker

**Re: Notice of Noncompliance to
Arapahoe Real Estate, for Violations
of the Disclosure Rule, U.S.
Environmental Protection Agency's
Case Number 8828**

Dear Mr. Baker:

The United States Environmental Protection Agency ("EPA") serves this Notice of Noncompliance ("NON") on Arapahoe Real Estate, 2329 W. Main St., Suite 101, Littleton, CO 80120, for violations of the Real Estate Notification and Disclosure Rule, which is codified at 40 Code of Federal Regulations (CFR), Part 745, Subpart F ("Disclosure Rule").

The Disclosure Rule requires a lessor, or an agent representing a lessor, of *target housing*, i.e., housing built before 1978, to ensure compliance with the requirements of the Disclosure Rule. If the lessor or agent fails or refuses to ensure compliance with the Disclosure Rule, the lessor or agent has committed a prohibited act under the Toxic Substances Control Act § 409, 15 United States Code, § 2689 ("TSCA"), and is liable under TSCA, § 16 for civil penalties.

On August 7, 1998, an authorized representative of the EPA scheduled a routine compliance inspection of target housing lessor files at Arapahoe Real Estate. Arapahoe Real Estate manages certain target rental housing located at 935-959 Brentwood St., Lakewood, CO 80215. The owner of Arapahoe Real Estate, Randy L. Baker, subsequently notified the EPA representative that he could not be available at



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the scheduled time of the inspection and agreed to send a facsimile of the relevant target rental housing files to the EPA representative. Mr. Baker faxed the total seven files on August 13, 1998.

A review of the inspection report by the EPA Regional Lead-Based Paint Enforcement Coordinator revealed the following violations of the Disclosure Rule:

40 CFR § 745.113(b): Failure of lessor, in five instances, to provide the lessee with a lead hazard pamphlet *and* an attachment to the lease containing lead disclosure information *on or before* the effective date of the lease. By their signatures, the lessees acknowledged the receipt of lead disclosure information from the lessor on various dates, all approximately 30 days *after* the effective date of the lease, July 1, 1998. These violations occurred at the following properties:

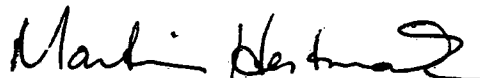
935 Brentwood St. Lakewood, CO 80215
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953 Brentwood St. Lakewood, CO 80215
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In future leases of target housing, you must ensure that the lessee is provided all required lead disclosure documents at the time the lease is executed.

Each violation of the Disclosure Rule is a prohibited act under TSCA § 409, which can result in the assessment of civil penalties—up to \$11,000.00 per violation. Although Arapahoe Real Estate, is receiving an NON for these violations at this time, any additional violations of the Disclosure Rule could result in the issuance of a Civil Administrative Complaint for the assessment of penalties. All future sale transactions involving target housing must be made in strict accordance with the Disclosure Rule.

Questions and correspondence concerning this matter may be directed to Robert Vick, EPA Regional Lead-Based Paint Enforcement Coordinator, at the letterhead address (telephone: 303-312-6204).

Sincerely,



Martin Hestmark, Director,
Technical Enforcement Program

cc: Dana Stotsky, 8ENF-L



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

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Ref: 8ENF-T

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8ENF-T
Yould
8/20/98

8ENF-T
Vick
8/24/98

8ENF-L
STOTSKY
9/1/98



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Martin Hestmark, Director,
Technical Enforcement Program

cc: Dana Stotsky, 8ENF-L



PS Form 3800, April 1995

Postnet
Post Office
Postage
Certified
Special
Restrict
Return to
Whom it
Concerns
Date & Address
TOTAL
Postmaster

ARAPAHOE REAL ESTATE
2329 W. MAIN ST., SUITE 101
LITTLETON, CO 80120

ATTN: MR. RANDY L. BAKER

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.

P 380 306 689.

(reverse)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

DEC 3 1998

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ARAPAHOE REAL ESTATE
2329 W. MAIN ST., SUITE 101
LITTLETON, CO 80120

ATTN: MR. RANDY L. BAKER

4a. Article Number

P 380 306 689

4b. Service Type

- ☐ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

12-4

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X John S. Hansonel

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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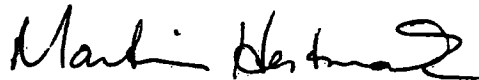
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